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# Interacting with Animals: A Kantian Account<sup>1</sup>

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## 1. Animals and the Natural Good

Human beings are animals: phylum: chordata, class: mammalia, order: primates, family: hominids, species: homo sapiens, subspecies: homo sapiens sapiens. According to current scientific opinion, we evolved approximately 200,000 years ago in Africa from ancestors whom we share with the other great apes.<sup>2</sup> What does it mean that we are animals? Scientifically speaking, an animal is essentially a complex, multicellular organism that feeds on other life forms.<sup>3</sup> But what we share with the other animals is not just a definition: it is a history—that is, it is a story—and a resulting set of attributes, and an ecosystem, and a planet.

What is the story? Living things are homeostatic systems—they maintain themselves through a process of nutrition that enables them to work constantly at replacing the fragile materials of which they are composed. Living things also work at reproducing, or contributing to the reproduction of, other living things that maintain themselves in essentially the same way.<sup>4</sup> To engage in those activities—to feed and reproduce—is essentially what it means to be alive. And in order to engage in those activities, a living thing must be, in some way, responsive to conditions in its environment. Plants, for instance, respond to dryness, by growing deeper roots, or to sunshine, by turning their leaves in its direction. Even a unicellular organism is drawn to some things, and recoils from others, in ways that promote its survival.

But once upon a time—about 600 million years ago—some of the living things on this planet became responsive in a particular way. They began to become *aware* of their surroundings, to form some sort of a representation of the environment in which they live. Presumably, this was because of the evolutionary advantages of such awareness, which enables a living thing to monitor the relationship between its own condition and the conditions in its environment. Perhaps there is no hard and fast line between that distinctive power we call *perception* and the kind of responsiveness exhibited by, say, a plant that turns its leaves towards the sun. But as responsiveness evolved into perception, something new began to appear in the world. A bare theoretical awareness of the environment, all by itself, could not do an organism any good: if perception is to help an organism to survive and reproduce, it must be informed or accompanied by something like motivational states. That is, the organism's awareness must be accompanied by experiences of attraction and aversion that direct its activities in ways that are beneficial to its survival and reproduction. And so the evolution of perception brought with it the capacity for negative and positive experiences—of hunger and thirst, and enjoyment in satisfying them; of pain and pleasure; and of fear and security. And as these organisms themselves became more complex, more complex feelings evolved out of these simpler ones: of interest and of boredom, of misery and delight, of family or group attachment and hostility to outsiders, of individual attachment, of curiosity, and eventually, even, of wonder.

What all of this means is that an organism who is aware of the world also characteristically experiences the world and his own condition in a positive or negative way, that is, as something that is, in various ways, good or bad for himself, or from his

own point of view. And so there came to be living beings, homeostatic organic systems, *for whom* things can be good or bad. I will call goodness in this sense the “natural good.”

It is because there are beings for whom things are naturally good or bad, I believe, that there is such a thing as “good” and “bad” in what I will call the “objective” or

“normative” sense –the sense that is morally significant, the sense that gives us reasons.<sup>5</sup>

The beings who share this condition are the animals, and you and I are among them. And that gives rise to a moral question. How should we treat the others?

## 2. Human Attitudes Towards the Other Animals

I have just suggested that what we share with the other animals—the condition of being beings *for whom* things can be naturally good or bad—is morally significant. Most people would seem to agree, for most people think it is morally wrong to hurt a non-human animal for a trivial reason. No one is more readily condemned than someone who kicks a dog out of anger, or skins a cat for the sheer malicious fun of inflicting pain. On the other hand, we have traditionally felt free to make use of the other animals for our own purposes, and we have treated any use we may have for them, or any obstacle they present to our ends, as a sufficient reason to harm them. We kill non-human animals, and inflict pain on them, because we want to eat them, because we can make useful products out of them, because we can learn from experimenting on them, and because they interfere with agriculture or gardening or in other ways are pests. We also kill them, and inflict pain on them, for sport—in hunting, fishing, cockfighting, dogfighting, and bullfighting. We may even kill them because, having done some sort of useful work for

us, they have outlived their usefulness and are now costing us money. Obviously, we think that we ought not to treat our fellow human beings in these ways.

What could make sense of the way we treat the other animals—or, alternatively, what could show that the kinds of actions I have just mentioned are wrong? Since human beings and the other animals share a morally significant attribute, what is the morally relevant difference between human beings and the other animals that is supposed to justify this difference in the way that we treat them? Obviously, not every attribute that people have claimed uniquely singles out human beings could be morally relevant. Many scientists and philosophers would single out language as the most important difference between human beings and the other animals. Faced with the fact that some non-human animals have been taught the rudiments of language, these thinkers have sometimes responded that true language requires a complex syntax. But it is not tempting to believe that it is all right to treat the animals as mere means and obstacles to our own ends simply because they lack a complex syntax.<sup>6</sup>

Essentially, there are two ways a difference between human beings and the other animals could be morally relevant: it could be relevant to our thinking about the good or relevant to our thinking about right and obligation. Accordingly, there are two general types of arguments that people have used, to try either to justify or criticize the way we treat the other animals. First, there are arguments based on similarities or differences between the ways in which things can be good or bad for human beings and the ways in which they can be good or bad for the other animals. Second, there are arguments based on the grounds of right and obligation. My main topic in this paper is an argument of the latter kind: Immanuel Kant's argument that we cannot have obligations to the other

animals, because obligation is grounded in a reciprocal relation among rational beings. I am going to argue not only that Kant's theory can accommodate duties to the other animals, but also that it shows why we do indeed have them. But before I do that, I want to say something about the kind of argument that appeals to similarities and differences between what is good or bad for people and what is good or bad for the other animals.

### 3. Human and Non-Human Good

The most effective critics of the way we treat animals to date have been the utilitarians, and their argument is essentially an appeal to the point I started out with: the other animals can experience pleasure and pain, therefore things can be good or bad for them in much the same way they can be good or bad for us.<sup>7</sup> Utilitarians believe, speaking a bit roughly, that the right action is the action that maximizes good results. Since, according to the utilitarians, the business of morality is the maximization of the good, the other animals plainly fall within its orbit.

But appeals to the way in which things can be good or bad for the other animals have also been used to justify some of the more questionable ways in which we treat them. According to the type of argument I have in mind, there are differences between the character of human experience and the character of the experiences of the other animals that justify us, at least sometimes, in putting our own interests first. The most extreme view along these lines is the Cartesian view that the other animals have no conscious experiences, so that nothing can really be good or bad for them in a morally relevant way. But some non-Cartesians hold a view that seems not far behind this. They believe that because the other animals (as they claim) lack any sense of their existence as

extended in time, all that their consciousness *can be* is a series of discrete, disconnected experiences, which can be pleasant or painful, or perhaps frightening or comforting, but only in a local way. Such experiences could not be connected, in the way they are in us, by memory and anticipation, to long-term hopes or fears, or to any concern for one's own ongoing life. On this basis, some people have suggested that although we do have reason not to hurt the other animals, there is no special reason not to kill them when that suits our convenience, and can be done without inducing fear or pain.

Somewhat surprisingly, in my view, some of the utilitarians who have been such powerful champions of animal rights hold a view of this kind. In his commentary on J. M. Coetzee's *The Lives of Animals*, Peter Singer, for example, voices the common view that the fact that human beings anticipate and plan for the future means that human beings have "more to lose" by death than the other animals do.<sup>8</sup> Singer imagines an interlocutor—his daughter Naomi—protesting that death for a non-human animal—her example is their dog Max—would mean the loss of everything *for that animal*. And Singer replies that although there would be no more good experiences for Max, they could arrange for the breeding of another dog, and then this other dog could be having good canine experiences in Max's place. In other words, what matters is not the goodness of Max's experiences *for* Max, but just that there be some good canine experiences going on in the world somewhere.

The trouble with this argument is that it depends on a more general utilitarian assumption, which has nothing special to do with the nature of non-human consciousness. Utilitarians regard the subjects of experience in general essentially as *locations* where pleasure and pain, that is, good and bad experiences, *happen*, rather than as beings *for*

*whom* these experiences are good or bad.<sup>9</sup> To put it another way, they think that the goodness or badness of an experience rests wholly in the character of the experience, and not in the way the experience is related to the nature of the subject; so it is not essential to the goodness or badness of the experience that it is good or bad for the subject who has it.<sup>10</sup> This view of the relationship between subjects and the value of their experiences is essential to utilitarianism, because it is what makes it possible to think that you can accumulate value by adding pleasures and pains across the boundaries between different subjects of experience. If the badness of pain is, as I will put it, *tethered* to its badness *for* the subject who experiences it, the badness cannot coherently be added or subtracted across the boundaries between subjects in that way. For such “aggregation,” as philosophers call it nowadays, requires cutting the tether.

As I said before, the view that a subject’s relationship to her experiences is essentially one of *location* is a quite general feature of utilitarianism and doesn’t have anything special to do with the nature of non-human consciousness. And this makes me wonder why Singer thinks that the fact that we have hopes and plans for the future makes death worse *for us*—or perhaps why he thinks it matters morally if it does. In an earlier paper, “Killing Humans and Killing Animals,” Singer argues that because we are self-conscious, and aware of our lives, we are not replaceable in the way the other animals are. Each of us has a desire to live, which will not be fulfilled if we are killed.<sup>11</sup> But self-conscious experiences of memory and anticipation are in themselves just more experiences. If a person is just a place where these experiences happen, then we can always replace one human being who experiences, say, satisfaction at the thought that his plans have worked out, or worry about the fate of a loved one, with another human being



whose experiences have a similar content. And a person whose desire to live is not fulfilled may be replaced with a person who will develop a desire to live that then will be fulfilled, at least for as long as he lives. In order to make the argument that there is a disanalogy between the death of a human being and the death of another animal, Singer would have to argue that because we human beings experience memory and anticipation, and have a desire for life, death can be good or bad *for us* in a way it cannot for a less self-conscious animal. And perhaps such an argument could be made. But in order for it to be made, Singer would have to grant that things can be good or bad for us in a way that goes beyond our being the mere location of good or bad experiences. And in that case, it also seems to me that Singer would have to give up utilitarianism, at least as applied to human beings.

Utilitarians, and consequentialists more generally, believe that the way to determine what is right is by adding up the goods and harms done by an action, and choosing the action that does the most good. So if death is worse for a human being, they think, human loss of life figures more largely in the calculus. And although the utilitarians themselves don't do this, we can imagine someone trying to generalize this argument to show that human goods and bads are always *so* much more significant than those of the other animals that human interests should always outweigh the interests of the other animals. Making things good for humans, someone might suppose, is then the way of doing the most good. But what I am suggesting here is that there is a conceptual problem with the idea of what "does the most good." If it seems plausible that everything that is good or bad is so in virtue of being good or bad for someone (some person or animal), then it is also plausible that the goodness or badness of experiences—or of

anything else for that matter—is tethered to the subjects *for whom* they are good or bad. In that case, it may be that the goods of different subjects can't be added at all: what's good for me plus what's good for you isn't *better*, because there is no one *for whom* it is better.

The position I have just voiced is controversial, because it blocks all forms of aggregation.<sup>12</sup> And we do have intuitions that support aggregation. For instance, many people believe that if you can save either two lives or only one, you should save the two. And many people would agree that if we have only one dose of a painkiller, and no one has a particular claim on it, we should give it to the person who is suffering the most. Of course, it is an open question whether the reason we should make these choices is because that way we “do more good,” but that is a very natural thought.<sup>13</sup> So it is worth noting that it may still be intelligible, consistently with the idea that good and bad are always tethered to subjects, to claim that we “do more good” by choosing a course of action that benefits more different subjects, *so long as no one is harmed* by that course of action (in economists' jargon, by doing what is Pareto optimal). And it may even be intelligible to claim that we “do the most good” by giving a resource to the party who will benefit from it the most, *so long as we are not thereby harming the other parties among whom we are choosing*.<sup>14</sup> What most obviously becomes unintelligible on the view that good and bad are tethered to subjects is the idea that we can “do more good” by balancing the good of one subject against the good of another subject, say by taking pleasure away from Jack because that way we can give an even greater pleasure to Jill. That is good for Jill but bad for Jack, and if the goodness or badness must be tethered to a subject, that is all there is to say: there is no third party for whom the situation is better overall, and therefore no sense in which it is better.

These ideas, if they are right, may explain some of our intuitions about aggregation, in a way that is consistent with the idea that goods and bads are tethered to those for whom they are goods and bads. But if the intelligibility of the claim that an action does more good depends on the rider that it does no harm, then the intelligibility of such claims depend on where the parties concerned start from, and what they have to lose. And this matters. Supposing it is true that human beings have “more to lose” by death than the other animals, we might “do more good” by saving a starving human being than we do by saving another starving animal, and so we might choose to do the former. But if we view things this way it is a quite different kind of question whether we should *kill* the animal to save the starving human being, for now there is someone to be harmed. I am not necessarily saying that we shouldn’t, only that if we should, it is not simply because that is what does the most good. And it is a different question *altogether* whether we are justified in harming and killing animals in great numbers, either for food or in experiments, simply so that human beings can have a greater span of our supposedly “more valuable” lives.<sup>15</sup>

If goodness and badness are, as I have claimed, tethered to the subjects for whom things are good and bad, then we cannot be utilitarians, and we cannot generally weigh the interests of the other animals against the interests of human beings. We need another way of thinking about how we should treat them.

#### 4. A Kantian Approach to Our Relationships with the Other Animals

Kant’s work may seem an unpromising place to turn for help in thinking about our relations with the other animals, for in the philosophical literature on this topic, Kant

is often cast as the villain of the piece. At the center of Kant's ethics is his "Formula of Humanity," the requirement that we should treat every human being as an "end in itself" who is never to be used as a mere means to another person's ends. The idea has found its way into our moral culture: "You are just using me!" is one of our most familiar forms of moral protest. But Kant did not only assert that all human beings should be treated as ends in themselves: he is also one of the few philosophers ever to have said bluntly that the other animals are mere means, and may therefore be used for human purposes. Before I examine his argument, I want to say a little about why, if Kant is wrong about this, a Kantian approach can throw important light on questions about how we should treat the other animals.

There are many ways in which people have characterized the essential difference between utilitarian or "consequentialist" and Kantian or "deontological" approaches to ethics. Often these characterizations proceed from the consequentialist point of view. For example, people sometimes say that consequentialists think it is *always* right to do what maximizes the good, while Kantians and other deontologists think (perversely, it is implied) that sometimes we should not do that, because there are "side-constraints" on the promotion of the good. Less polemically, people sometimes say that deontologists think that some actions are intrinsically right, apart from their consequences, and that this kind of value has priority over the good. But there is another way of thinking of the difference between these two kinds of theories that I think is deeper and goes more to the heart of the matter. This way of thinking about the difference is made available when we reflect on the practical implications of Kant's principle that we should treat human beings as ends in themselves.

Kant takes it to follow from this principle that you should never treat another human being as a mere means to your own ends, nor should you allow yourself to be treated that way. He thinks that the value of humanity requires us to avoid all use of force, manipulation, and coercion, because we must respect the rational choices of others and their free use of their own power of rational choice. He takes it to follow that all human interaction, as far as possible, should be on terms of voluntary cooperation, and aimed at ends that can be shared by all concerned. And finally, he takes it to follow that we should help each other when we are in need, and promote each other's chosen ends when we can easily do so. For if you take it that your own chosen ends are worthy of pursuit, you must take the ends of others to be so as well.<sup>16</sup>

The fact that this formula expresses a *basic* requirement shows that consequentialists and Kantians have a different view about what the *subject matter* of ethics is. Consequentialists take the subject matter of ethics to be the results produced by our actions, and take the main questions of ethics to be things like: "What results should we aim to bring about? What should we make happen? How can we make the world the best possible place?" Kantians on the other hand take the subject matter of ethics to be the quality of our relationships and interactions, both with ourselves and with each other. So Kantians take the main questions of ethics to be things like: "How should I treat this person? What do I owe to him, and to myself, in this matter? How can I relate to him properly? What should our interactions be like?"<sup>17</sup>

Of course I am not saying that either view ignores the other view's main questions, but the order of dependence is different. It is a notorious fact, much discussed in the critical literature, that consequentialists try to derive what we might call the values

of relationship and interaction from considerations about what does the most good. If you should be just and honest and upright in your dealings with others, according to the consequentialist, that is because that is what does the most good. If you are allowed to be partial to your own friends and family, and not required always to measure their interests against the good of the whole, that is because it turns out, in some oblique way, that people maximize the good of the whole more efficiently by attending to the welfare of their own friends and family. It is less often noticed, but just as true, that in a Kantian theory, the value of producing the good is derived from the values of interaction and relationship. The reason that pursuing the good of others is a duty at all in Kant's theory is that it is a mark of respect for the humanity in another that you help him out when he is in need, and more generally that you help him to promote his own chosen ends when you are in a position to do that. This is why it is a serious mistake to characterize Kantian deontology as accepting a "side-constraint" on the promotion of the good. Kant does not believe there is some general duty to maximize or even promote the good that is then limited by certain deontological restrictions. Rather, he believes that promoting the good of another, and treating her justly and honestly, are two aspects of respecting her as an end in herself.

So when we turn our attention to our ethical relationships with the other animals, this means that the focus of our questions will be rather different than it is in a consequentialist account. If we are to treat animals as ends in themselves, then the relevant question is not whether human interests outweigh the other animals' interests, because of the special kinds of goods and evils to which we are subject, or conversely, whether the other animals' interests, because of their sheer number or intensity or gravity,

sometimes do outweigh human interests after all. The relevant question is rather what, given their nature and ours, *each* of us can do in order to be related as well as possible to *each* of them.<sup>18</sup> These questions, as I will argue later, point us towards duties to the other animals that, although in some ways are more demanding, in other ways are more tractable, than the duties to which utilitarian accounts naturally point us.

But before we can discuss what those duties are, we must ask whether the other animals are indeed to be treated as ends in themselves. So let us turn now to Kant's own views.

#### 5. Kant's Views on the Treatment of the Other Animals<sup>19</sup>

The views about the other animals that have made Kant notorious find their most famous expression in the *Groundwork of the Metaphysics of Morals*, in his argument for the Formula of Humanity. In that argument, Kant first establishes that if there is a categorical imperative—that is, a principle of reason that prescribes duties with categorical force—there must also be, as he says, “something the existence of which in itself has an absolute worth, something which as an end in itself could be a ground of determinate laws.”<sup>20</sup> He then proceeds to consider various candidates for the end in itself, and in the course of the discussion he says:

Beings the existence of which rests not on our will but on nature, if they are beings without reason, still have only a relative worth, as means, and are therefore called *things*, whereas rational beings are called *persons* because their nature already marks them out as an end in itself, that is, as something that may not be used merely as a means.<sup>21</sup>

Following the tradition of Roman Law, Kant divides his metaphysical world into two categories that are supposed to be exhaustive, persons and things. And if there were any doubt about whether Kant intends here to include non-human animals in the category of “things,” those doubts are dispelled by things he says elsewhere. In his essay, “Conjectures on the Beginnings of Human History,” a speculative account of the origin of reason in human beings, Kant explicitly links the moment when human beings first realized that we must treat one another as ends in ourselves with the moment when we realized that we do not have to treat the other animals in that way. Kant tells us that:

When [the human being] first said to the sheep, “the pelt which you wear was given to you by nature not for your own use, but for mine” and took it from the sheep to wear it himself, he became aware of a prerogative which, by his nature, he enjoyed over all the animals; and he now no longer regarded them as fellow creatures, but as means and instruments to be used at will for the attainment of whatever ends he pleased.<sup>22</sup>

But actually, in spite of this remark, Kant himself did not think that it is morally permissible to treat the other animals in whatever way we please. Kant’s own ethical views are reported in the records of his course lectures and in his book *The Metaphysics of Morals*. Kant does think we have the right to kill the other animals, but it must be quickly and without pain, and cannot be for the sake of mere sport. He does not say why we should kill them, and the subject of eating them does not come up in his discussion, but presumably that is one of the reasons he has in mind. He does not think we should perform painful experiments on non-human animals “for the sake of mere speculation, when the end could be also be achieved without these.”<sup>23</sup> He thinks we may make the



other animals work, but not in a way that strains their capacities. The limitation he mentions sounds vaguely as if it were drawn from the Golden Rule: we should only force them to do such work as we must do ourselves.<sup>24</sup> And if they do work for us, he thinks that we should be grateful.

In his course lectures, Kant sometimes told a story about the philosopher Leibniz carefully returning a grub he had been studying to the tree from which he had taken it when he was done, “lest he should be guilty of doing any harm to it.”<sup>25</sup> And both in his lectures and in *The Metaphysics of Morals*, Kant has hard words for people who shoot their horses or dogs when they are no longer useful.<sup>26</sup> Such animals should be treated, Kant insists, with “gratitude for ... long service (just as if they were members of the household).”<sup>27</sup> He remarks with apparent approval that “In Athens it was punishable to let an aged work-horse starve.”<sup>28</sup> And he tells us that: “Any action whereby we may torment animals, or let them suffer distress, or otherwise treat them without love, is demeaning to ourselves.”<sup>29</sup>

Kant says little about how he derives these duties from principles. But it is worth noting that the duties Kant mentions here are not just duties to be kind or avoid cruelty. Rather, they concern the ways in which we interact with the other animals, and the standards they set are as much standards of reciprocity as they are of kindness. We can make the other animals work, but no harder than we would expect of ourselves, and we should be grateful for their services when we do make them work. If they have worked for us all their lives, we should compensate them by a comfortable retirement. Leibniz, we may be sure, did not go through the world making general efforts on behalf of the welfare of grubs, but he did want to make sure that the grub with whom *he* interacted was

not harmed by the transaction. Kant plainly thought it is necessary to kill or hurt animals for some reasons, and we might disagree with him about what exactly those reasons are. But he apparently thought that otherwise we should interact with the other animals, so far as it is possible, as we would interact with human beings, on terms of reciprocity and mutual benefit.

But as the last phrase I quoted suggests, Kant thinks that these moral duties are not owed *to* the other animals, but rather to ourselves: treating animals without love is “demeaning to ourselves.” He says:

violent and cruel treatment of animals is ... intimately opposed to a human being's duty to himself ... for it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural disposition that is very serviceable to morality in one's relations with other people.<sup>30</sup>

In his course lectures, Kant made the same point by saying that non-human animals are “analogues” of humanity, and that we therefore “cultivate our duties to humanity” when we practice duties to animals as “analogues” of human beings.<sup>31</sup>

But if the other animals are indeed analogues of human beings, why don't we have obligations to them?

## 6. The Human Difference

Earlier I noted that anyone who thinks we do not have duties to the other animals must think there is a morally relevant difference between us and them. Kant thought that difference is that we are rational and therefore moral animals, and the other animals are not. These days, many philosophers and scientists argue that we can discern the roots of

morality in the tendencies to altruism and cooperation found among the other social animals, just as we can discern the roots of language in their communication systems or the roots of technology in their manufacture of simple tools. Similarly, some philosophers and scientists have argued that the more intelligent animals exhibit a kind of rationality when they figure out how to solve problems. Are these then after all matters of degree and not of kind? To understand why Kant would reject that conclusion, we must understand what he means by “reason.”

It is sometimes said that human beings are the only animals who are self-conscious. Animals are aware of the world but not of themselves. But actually the issue is more complicated than that, for self-consciousness, like other biological attributes, comes in degrees and takes many different forms. One form of self-consciousness is revealed by the famous mirror test used in animal studies. In the mirror test, a scientist paints, say, a red spot on an animal’s body and then puts her in front of a mirror. Given certain experimental controls, if the animal eventually reaches for the spot and tries to rub it off, or looks away from the mirror towards that location on her body, we can take that as evidence that the animal recognizes herself in the mirror, and is curious about what has happened to her. Apes, dolphins, and elephants have passed the mirror test, in some cases moving on to use the mirror to examine parts of their bodies that they can’t normally see—apparently with great interest. Other animals never recognize themselves, and instead keep offering to fight with the image in the mirror, or to engage in some other form of social behavior with it. An animal that passes the mirror test seems to recognize the animal in the mirror as “me” and therefore, it is thought, must have a concept of “me.” I will come back to the mirror test later on.

In any case, I think it can be argued that some animals who can't pass the mirror test have rudimentary forms of self-consciousness. You have self-consciousness if you know that one of the things in your world is *you*. A tiger who stands downwind of her intended prey is not merely aware of her prey—she is also locating *herself* with respect to her prey in physical space, and that suggests a rudimentary form of self-consciousness. A social animal who makes gestures of submission when a more dominant animal enters the scene is locating himself in social space, and that too suggests a kind of self-consciousness. So perhaps does a domestic animal's rivalry with other domestic animals for human attention. ("Don't play with her. Play with *me!*") Knowing how you are related to others involves something more than simply knowing about them.

Parallel to these abilities would be a capacity to locate yourself in mental space, to locate yourself with respect to your own experiences, thoughts, emotions, beliefs, and desires, and in particular, to know them as your own. This is what we more commonly think of as self-consciousness. Do the other animals have this ability to locate themselves in subjective, mental space? Scientists have sometimes taken the mirror test to establish this kind of self-consciousness, but it is a little difficult to articulate why. The animal grasps the relation between the image in the mirror and her own body, and in so doing, she seems to show that she grasps the relationship between herself and her own body. But what exactly does that mean? She grasps the relationship between two things, a certain physical body and—well, what? We can say "and herself," but what exactly is the "herself" that she identifies with that body? Perhaps the idea is that what she identifies as *herself* is the self that is the subject of her own experiences, of which she must then have some awareness. That is, she must be aware not just of pain but that *she* feels pain, or not

just of the smell of food but that *she* smells the food. And it is that “she,” the subject of those experiences, which she correctly identifies with the body she sees in the mirror. Some such idea must be behind the thought that the mirror test reveals an inner self-consciousness.

However, even if this is right, it does not yet seem to show that the animal must be aware of herself as the subject of her *attitudes*—that is, of her beliefs, emotions, and desires. And this suggests a further division within this form of self-consciousness. An animal might be aware of her experiences and of herself as the subject of those experiences, and yet her attitudes might be invisible to her, because they are a lens *through* which she sees the world, rather than being parts of the world that she sees.<sup>32</sup> In fact, it seems likely that the way an animal’s instincts function is by providing exactly that sort of lens.<sup>33</sup> As I said earlier, a bare theoretical awareness of the world would not do an animal—especially an intellectually primitive animal—any good unless it were accompanied by appropriate motivational states. So we may suppose that an animal instinctively perceives things *as* aversive or attractive in particular ways—*as* food, that is, as appetizing, or *as* threat, that is, as frightening—without being aware that it is a fact about herself that *she* is hungry or frightened. You don’t need to know of yourself that you are hungry in order to respond to food correctly: you only need to perceive it as appetizing, as food.

Of course more intelligent animals *might* also be aware of their own attitudes. Some of the language-trained animals seem able to express the idea “I want”—Koko the gorilla and Alex the African gray parrot, two famous language-trained animals, could both do this—so perhaps they have the ability to think about their own attitudes as well as

about their experiences.<sup>34</sup> But however that may be, we human beings are certainly aware of our attitudes. We know of ourselves that we want certain things, fear certain things, love certain things, believe certain things, and so on. And we are also aware of something else—we are aware of the potential influence of our attitudes on what we decide to do. We are aware of the *grounds* of our actions. What I mean is this: a non-human animal may perceive something in his environment as, say, frightening. And that may induce him to run away. We can say that his fear, or his perception of the object as frightening, is the ground of his action—it is what causes him to run. We can even say, by analogy with our own case, that it is his *reason* for running, although he does not know that about himself. But once you are aware of the influence of a potential ground of action, as we human beings are, you are in a position to decide whether to allow yourself to be influenced in that way or not. As I have put it elsewhere, you now have a certain reflective distance from the impulse that is influencing you, and you are in a position to ask yourself, “but *should* I be influenced in that way?” You are now in a position to raise a *normative* question, a question about whether the action you find yourself inclined to perform is *justified*.<sup>35</sup> Kant, of course, held a particular view about how you answer such a question. You ask whether the principle of acting in the way you are considering could serve as a universal law, whether you yourself can will that everyone should act in that way.<sup>36</sup> You ask the question posed by the categorical imperative.

I believe that this form of self-consciousness—consciousness of the grounds of our beliefs and actions—is the source of reason, a capacity that I think is distinct from intelligence. Intelligence is the ability to learn about the world, to learn from experience, to make new connections of cause and effect, and put that knowledge to work in pursuing

your ends. Animals who solve problems do exhibit intelligence, but reason is not the same as intelligence. Intelligence looks outward, to the connection of cause and effect. Reason looks inward, and focuses on the connections between our own mental states and attitudes and the effects that they tend to have on us. It asks whether our actions are *justified* by our motives or our inferences are *justified* by our beliefs. I think we could say things about the beliefs of intelligent non-human animals that parallel what I have said about their actions. Non-human animals may have beliefs and may arrive at those beliefs under the influence of evidence; by analogy with our own case we may say that they have reasons for their beliefs. But it is a further step to be the sort of animal who can ask yourself whether the evidence really justifies the belief, and can adjust your conclusions accordingly.

If this is correct, the difference between human beings and the other animals is not that we are self-conscious and they are not. It is, as it were, both smaller and bigger than that. Human beings have a particular form or type of self-consciousness: consciousness of the grounds of our beliefs and actions. But that little difference makes a very big difference. For it means that human beings are both capable of, and subject to, *normative self-government*, the ability to direct our beliefs and actions in accordance with rational norms. And normative self-government, according to Kant, is the essence of morality. Morality does not rest simply in being altruistic or cooperative, although it certainly does demand those things. It rests in being altruistic or cooperative or honest or fair or respectful *because you think you should be*: because, that is, you yourself would will that everyone should act in those ways. To be capable of normative self-government is to be in Kant's language "autonomous"—capable of governing yourself in accordance

with the laws you make for yourself. And as far as we know, although it is an empirical question, no other animal does that.<sup>37</sup> If that is so, human beings are rational and moral animals, and the other animals are not.<sup>38</sup>

Of course, what most obviously follows from that is not that we have no duties to the other animals. Rather, what most obviously follows is that they have no duties to *us*. So now we must ask why Kant thought that their lack of moral agency disqualifies the other animals from being regarded as ends in themselves.

## 7. The Reciprocity Argument

Kant is one of the main proponents of a kind of argument that purports to show that we cannot have obligations to the other animals at all. This kind of argument is not grounded in the nature of an animal's experiences, or in some supposed difference between the human good and that of the other animals, but rather in the grounds of obligation. The argument comes in various forms, but the basic idea is that morality is a system of reciprocal relationships—a system in which human beings mutually impose obligations on each other, or at least one in which human beings have reciprocal rights and obligations. I have rights as against you insofar as you have obligations to me, and vice versa. But the other animals, because they are not moral beings, cannot have obligations to us, and therefore cannot participate in the system. They are out of the scope of morality. I will call this type of argument a “reciprocity argument.”<sup>39</sup>

Kant, as we have seen, thinks we have duties to treat the other animals with compassion and even with a certain kind of reciprocity. But he does not think that we owe this *to* them. What exactly does it mean to be obligated *to* someone else?



Ordinarily, we think you are obligated to someone when you would wrong *her* by not acting in the way you are obligated to, and therefore she can claim your acting that way as her right. But this can happen only under certain conditions. According to one view, versions of which have been put forward by Stephen Darwall and Michael Thompson in recent work, in order for me to owe a certain kind of treatment *to* you, it is not enough that I am under the authority of a law saying that I should treat you in a certain way.<sup>40</sup> Perhaps, for instance, I am under the authority of a law saying that I should not deface beautiful paintings, but I do not owe that *to* the paintings. Presumably, I owe it to those whose aesthetic heritage includes the paintings. Nor is it enough to add that you are the kind of creature to whom things *can* be owed. Rather, for me to be obligated to you, we must both be under the authority of the same laws, in the name of which we can make claims on each other.

To see why, suppose that I am a Christian, and the Bible says I should be kind to all people; you are a Muslim, and the Koran says the same, and each of us believes that our duties are somehow grounded in our faiths. Then I am obligated to treat you with kindness and you are obligated to treat me the same way. But do we owe this *to* each other? I cannot sincerely claim kindness from you as my right in the name of the laws of the Koran, since I do not concede any authority to those laws; and your position with respect to me is the same. So it may seem as if I owe it to myself and perhaps to my God that I should treat you with kindness, but I do not owe it *to* you; and you are in the same position with respect to me. In this way we arrive at the idea that for one person to owe something to another, in the sense that makes it claimable by that other as a matter of

right, they must conceive themselves as being under shared laws grounded in some authority acknowledged by both, be it political, moral or religious.

There are at least two possible objections we could make to this argument as it stands. On the one hand, we might object that the argument does not establish that it is *necessary* for us to be under *exactly* the same laws in order to have duties to each other. For we still have something in common: we are moral beings, beings who recognize the authority of laws that concern the ways you are supposed to treat people, and who are capable of acting in accordance with that recognition. And as such we might reasonably expect treatment in accordance with those laws from each other. So for instance if I am visiting a country with a culture in which it is thought that the laws of hospitality require one to take in strangers for the night, I might reasonably resent one of the inhabitants' refusal to treat me that way, even though I do not believe that the laws of hospitality require this. Perhaps it would be a little odd for me to demand it as my right, yet my resentment expresses the sense that I have been wronged. The thought here would be something like, "I treat you according to my standards of respect; you should treat me according to yours. We owe it to each other to treat each other in the ways we ourselves believe that people should be treated."

On the other hand, we might object that this argument does not show that it is *sufficient* for obligation to each other that we are under the authority of the same laws. If the authority of those laws rests in divine command, say, perhaps it is really only God to whom we owe our obedience. I am obligated to you only if you are the authority that stands behind the law, that is, only if I acknowledge the authority of your will over mine in this matter.

I mention these objections because reflecting on them can help us to see the force of Kant's own, somewhat more demanding, version of the argument. Although they seem to bear in opposite directions, both objections remind us of the connection that Kant makes between morality and autonomy. We have autonomy when the laws we are under are laws that we make for ourselves. Kant believed that the reason we are under *moral* laws is precisely because we are autonomous—or as I put it earlier, normatively self-governed—beings. Moral laws are exactly those laws that we ourselves would will for everyone to act on, and their authority for us springs from that fact—and so from our own will. The first objection suggests that the common law that all of us are under just insofar as we are moral beings is that of treating people in whatever way *we ourselves* think that people should be treated. In a sense, it suggests that the common law we are under is the categorical imperative itself, the law of acting according to the principles we ourselves will as laws. The second objection insists that the authority behind that common law must be the wills of those who make it, if they are to be obligated *to* each other, and it reminds us of the idea, familiar from political philosophy, that the authority of a law must ultimately come from the will of the people whom it governs. Putting these points together, we arrive at the idea that for one person to make a claim on another, they must be under common laws that spring from their own shared authority: laws that they make—that they autonomously will—together. And they suggest that insofar as we are moral beings, we are in a community governed by laws of that kind.<sup>41</sup>

These ideas give us a way of understanding the role, in Kant's moral philosophy, of what he called the "Kingdom of Ends"—a community of ends in themselves. In order

to understand how this community arises and what it involves, we must back up and look more closely at the idea that people are ends in themselves.

When Kant introduces the Formula of Humanity, he argues that it is a “subjective principle of human actions” that each of us regards himself or herself as an end in itself.<sup>42</sup> A rational being, he says, “necessarily represents his own existence in this way.”<sup>43</sup> What does Kant mean by that? Kant believes that insofar as we are rational, we will pursue an end only if we take it to be what I earlier called “objectively” or “normatively” good—something that there is *reason* to pursue. But in fact the things that we are motivated to pursue are the things that are, in the sense I set out at the beginning of this paper, naturally good, *good for ourselves*. That doesn’t mean that our pursuits are self-interested: rather, it means that we tend to pursue those things which we are naturally inclined to respond to and evaluate positively: our own lives, health, and happiness, and the lives, health, and happiness of those whom we love; freedom from pain and suffering, the exercise of our natural faculties, the satisfaction of our natural curiosity, and so on. Our standing as ends in ourselves is a “subjective principle” of our actions, because we choose to pursue the things that we judge to be, in this sense, naturally good for ourselves, and it is only rational to choose to pursue things that are objectively, normatively good. So when we act, we *take* our natural good to be an objective good. It is as if each of us said to herself, “I take the things that matter to me to be important, because I take myself to be important.” When we take our own concerns to be important and worth doing something about, we take ourselves to be capable of conferring objective value on our ends through rational choice.<sup>44</sup>

There is an ambiguity in what I have just said, however. One might understand “taking” ourselves to be of value to mean that we *recognize* that, as a matter of metaphysical fact, we are valuable. But Kant did not believe that human beings have knowledge of metaphysical matters that are beyond the reach of empirical science. Rather, I think we should see “taking” ourselves to be important as a kind of original normative *act* that brings objective value into the world. Kant pictures valuing as an act of legislation: you make it a law for yourself and everyone else that what is naturally good for you should be taken to be objectively good. I don’t mean you make it a law that every other person should find the same things to be good for him as you find to be good for you, of course, but rather that you make it a law that every other person must regard it as a good end—and so as a source of reasons—that you should achieve what is naturally good for you.<sup>45</sup> The idea of a Kingdom of Ends arises when we realize that, as Kant puts it, “every other rational being represents his existence in this same way on just the same rational ground that also holds for me.”<sup>46</sup> Each of us asserts her standing as an end in itself for herself and all others, so together we form a Kingdom of Ends in which we legislate moral laws together. And in that way we become obligated to one another.

Kant thinks we have no obligations to the other animals because they are not members of the Kingdom of Ends. But Kant does not exclude the other animals from the Kingdom of Ends because he does not regard them as ends in themselves. Instead, it goes the other way: he thinks they are not ends in themselves because they are excluded from the Kingdom of Ends. He says: “Morality is the condition under which alone a rational being can be an end in itself, since only through this is it possible to be a lawgiving member in the Kingdom of Ends.”<sup>47</sup> So the other animals are excluded from

the Kingdom of Ends because they cannot make laws for themselves and cannot participate in reciprocal legislation—because they are not rational, normatively self-governing beings.

To summarize the argument: Kant supposes that as moral beings we are under a common law, the law of treating people as we ourselves think that people should be treated, or more technically, the categorical imperative: to act only on a maxim that we ourselves can will as universal law. And he thinks that the authority of that law, and the laws that follow from it, springs from our own wills. These facts place us in a community in which each of us has the right to claim morally good treatment from every other, and that is why we can be obligated to each other. But the other animals are not moral, therefore they cannot be “lawmaking members of the Kingdom of ends,” and therefore they cannot place us under obligations in the name of its laws. Only rational and moral beings, Kant thinks, can do this, and so obligations and duties can be owed only *to* rational and moral beings.<sup>49</sup>

## 8. Assessing the Reciprocity Argument

According to Kant’s argument, we can make normative claims on each other, and so have obligations to each other, only if we conceive ourselves as bound by common laws that we make together. The question is whether that is really the *only* way in which one being can have an obligation to another. And that doesn’t seem to be the case. A perfectly respectable sense of “obligated to” might be given by the reasons for making the law, by who or what it is meant to protect: I am obligated to you if you are the source of the interests that the law I am under was made to protect.<sup>50</sup> Indeed, Joel Feinberg, in

his work on ethics and animals, takes it for granted that this is what we *mean* when we say we are *obligated to* someone (some person or animal): some law protects his interests by giving him a right, and as the right-holder he makes a claim on us. If we make a civil law against homicide in order to protect people, assigning people the right not to be killed, then violating that law wrongs *people*, and we owe it to people not to kill them—not just to the citizens whose authority stands behind the law. So our obligation, say, not to murder foreigners on our soil is owed to the foreigners themselves.<sup>51</sup> So Feinberg argues that laws made for the protection of the interests of non-human animals quite straightforwardly makes it possible to be obligated to them.

But it also looks as if there is a difficulty in using this concept of “owed to” to define a sense in which we can be *morally* obligated to the other animals. The argument I just sketched depends on our having reasons for or against the laws we make—interests we have decided are worth protecting. In the case of positive or civil laws, those reasons are perhaps to be derived from morality itself. But moral laws themselves are not laws made for instrumental reasons, or to protect interests whose value has been independently determined. Moral laws are the *fundamental* laws in terms of which we identify which interests are worth promoting and protecting.

But I think that Kant’s theory has the resources for addressing this difficulty. According to Kant’s theory, as I have argued, there is a Kingdom of Ends because each of us claims a kind of standing, as an end in himself or herself, and that standing gives us duties to ourselves and each other. As we’ve seen, Kant’s story about that original claim is that it is built into the very nature of rational action; there is a way in which it is almost impossible not to make it. As rational beings, we need to have reasons for what we do,

and we find those reasons in the things that are naturally good for us. So we almost inevitably treat what is naturally good for us as normatively and objectively good. In a sense, just by the act of making a rational choice, you confer normative value not only on the end that you choose, but also on yourself.<sup>52</sup>

But as that formulation shows, the self that confers the value and the self on whom it is conferred are not precisely the same. The self that confers value is your autonomous rational self, the chooser as such, the lawmaking self. But the self on whom the value is conferred is not just the autonomous rational chooser; it is rather the self whose interests are in question, the self for whom, or from whose point of view, things can be naturally good or bad. For the way that you assert your standing as an end in itself *for yourself* is by legislating that what is naturally good for you is to be counted as an objective or normative good. And the self for whom things can be naturally good or bad is not merely your rational self. It is also, or rather it is, your animal self.

There are two ways to make this argument, one weaker and one stronger. The weaker way is to observe that *among* the interests we protect through our own moral legislation are interests that spring from our animal nature, not from our rational nature. Our objection to pain and suffering is an obvious example. You will a law, say, against being made to endure suffering as a mere means to the ends of someone else. This is not just because respect for your own autonomy demands that *you* should be allowed to decide for which ends you are prepared to suffer. It is also because you object to suffering. After all, when you decide for yourself that some end is not worth suffering for, your own decision cannot be based on respect for your own rational choice, for at that point you have not yet made any choice. Instead, it has to be based on the fact that



you take your suffering, which is a bad thing for you, to be a bad thing objectively, and bad enough not to be endured for the sake of the end in question. So although being rational autonomous beings—moral lawmakers—is what enables us to *make* normative claims on ourselves and each other, the content of those claims cannot be given completely by respect for rational autonomy itself. That view necessarily leaves out the relation in which you stand to yourself, and the way that it governs your own choices. To respect yourself is to take your natural good to be objectively and normatively good. Although what is naturally good for a human being is different in some respects from what is naturally good for another animal, there are also common elements. Part of what we confer value on when we respect ourselves is certain interests that we have, not as rational beings, but simply as sentient ones, such as the interest in avoiding suffering. Those interests are ones we share with the other animals.<sup>53</sup>

The stronger way to make the argument is just to say that because the original act of self-respect involves a decision to treat what is naturally good or bad for you as something good or bad objectively and normatively, the self on whom value is conferred is the self for whom things can be naturally good or bad. And the self for whom things can be naturally good or bad is your animal self: that is the morally significant thing we have in common with the other animals. It is on ourselves *as possessors of a natural good*, that is, on our animal selves, that we confer value.<sup>54</sup> Since our legislation is universal, and confers value on animal nature, it follows that we will that all animals are to be treated as ends in themselves.

According to the argument I have just presented, the sense in which we owe duties to the other animals *is* slightly different from the sense in which we owe duties to

other human beings. If obligation to another is understood as the acknowledgment of a claim under the authority of laws we make together, we are not obligated to the other animals. The other animals do not make claims on us in the name of common laws that we will together. Rather, we see them as falling under the protection of our laws, and we make claims on ourselves on their behalf. To that extent, Kant was right to think that our duties to the other animals arise by way of our duties to ourselves. But if obligation to another is understood as the acknowledgment that that other has a claim under laws whose authority we recognize, because they spring from our own will, then Kant was wrong to think that it follows that these duties are not owed to the other animals. For the act of taking ourselves to be valuable that brings the moral world, the Kingdom of Ends, into existence, and our acknowledgment of the claims of the other animals, are both responses to the same thing. They are responses to the predicament of being a being *for whom* things can be naturally good or bad.

As animals we are beings for whom things can be good or bad: that is just a natural fact. When we demand to be treated as ends in ourselves, we confer normative significance on that fact. We legislate that the things that are good or bad for beings for whom things can be good or bad—that is, for animals—should be treated as *good or bad objectively and normatively*. In other words, we legislate that animals are to be treated as ends in themselves. And that is why we have duties to the other animals.

## 9. Interacting with Animals

But we might think that there is still a problem. Is it even possible to treat a non-human animal as an end in herself? Kant's injunction forbids using another person as a

“mere” means, not using another person as a means at all. Human beings use each other as means, in the sense that we avail ourselves of one another’s services, all the time. According to Kant, speaking a bit roughly, what makes the difference between using someone as a “mere” means, and using him as a means in a way that is morally permissible, is whether you have his (informed and uncoerced) consent. We serve each other’s interests, consenting to do so, from motives of profit, love, friendship, or a general spirit of cooperation. Speaking a little more strictly, as I have argued elsewhere, Kant’s principle requires that when we enter into an interaction with another, we must act in a way that makes it possible for him to consent. For this reason, we must avoid force, coercion, and deception, since someone who is forced, coerced, or deceived has no opportunity to consent to what is happening to him.<sup>55</sup> But the other animals cannot give us their informed and uncoerced consent; they cannot choose, in the sense in which we choose, to engage in interaction with us. And many of even our most benign interactions with them involve force and even deception. The cat who is trapped in a baited cage, even if it is for her own benefit, is both tricked and forced. And when you bring her home from the shelter, she has no choice but to go and live with you.

I suppose someone might conclude that since we can’t get their consent, we should try to avoid interacting with the other animals at all. But this is not an option as conditions stand at present, for the fate of most animals will inevitably be determined by what human beings do. And in any case, I see no reason to take such an extreme position. We may interact with the other animals as long as we do so in ways to which we think it is plausible to think they would consent if they could—that is, in ways that are mutually beneficial and fair, and allow them to live something reasonably like their own

sort of life. If we provide them with proper living conditions, I believe, their use as companion animals, aides to the handicapped and to the police, search-and-rescue workers, guards, and perhaps even as providers of wool, dairy products, or eggs, might possibly be made consistent with this standard. But it is not plausible to suppose a nonhuman animal would consent to being killed before the term of her natural life is over in order to be eaten, or because someone else wants the use of her pelt, and it is not plausible to think she would consent to be tortured for scientific information.

Earlier I said that a Kantian story about our duties to the other animals is in some ways stricter but in some ways more tractable than a utilitarian account. We've just seen one way in which the Kantian account is stricter. Some utilitarians think it would be perfectly acceptable to kill animals in order to eat them, if only we kept them humanely while they were alive and then killed them painlessly. I do not think that is consistent with regarding animals as ends in themselves. But let me now say why I think that the Kantian account is nevertheless in some ways more tractable.

Part of the reason why people resist the idea that the other animals might also be ends in themselves is that it can look as if the duties that would result would be enormously burdensome, preposterous, or even impossible. Should we try to ensure the happiness or comfort of every rat and rabbit on the planet? Find a way to "disinfect" malarial mosquitoes so we don't need to kill them? What do we do when the interests of one species are at odds with the interests of another? I was once at a conference on ethics and animals where there was a lively discussion of the question whether, were it in our power, we should try to eliminate predation from the world.<sup>56</sup> So long as the interests of animals are at odds with each other, we can't make them all happy and comfortable. But

of course the interests of animals *are* at odds with each other—that's the way that nature works. So should we try to fix nature?

Such questions arise naturally for utilitarians, who think that the main question of ethics is how we can make the world as good as possible. And I'm not saying we shouldn't ask such questions. It would indeed be better if every animal on the planet could be happy and comfortable, and live the term of his or her natural life.<sup>57</sup> But I suspect that focusing on such questions is what makes some people so anxious to believe that the other animals are in some way less valuable than we are. What, they wonder, would we be committed to if we thought otherwise? So it's worth remembering that on a Kantian account, the subject matter of morality is not how we should make the world; it is how we should interact with and relate to others. Even if we can't re-make the world into a place without predation, we can avoid being predators; even if we can't ensure the comfort of every rat and rabbit on the planet, we can avoid experimenting on rats and rabbits for the sake of our own comfort. What makes it worth acting in these ways is not just that it has a good result. It is worth it for its own sake, as an expression of respect for, and solidarity with, the creatures on this planet who share our surprising fate—the other beings *for whom* things can be naturally good or bad.

### **For Further Reading**

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<sup>1</sup> An earlier version of this paper was delivered as the Dewey Lecture at the University of Chicago Law School in 2008. I would like to thank the audience on that occasion for helpful discussion. I also would like to thank Charlotte Brown for useful commentary on the manuscript.

<sup>2</sup> Colloquially, people often contrast human beings with apes, saying for example that human beings “evolved from” them, but saying that humans “evolved from” apes makes no more sense than saying that humans “evolved from” animals—which is another odd thing that people sometimes say. Even in the scientific literature, the term “human” is often used contrastively with “ape” or “primate” or “animal.” Of course one may argue that such locutions are mere conveniences—it is so tedious always to say “the *other* animals” or “the *other* primates.” But when thinking about the ethical treatment of animals, it is useful to remind ourselves that we are among them, so I will say “the other animals” when that is what I mean in this paper.

<sup>3</sup> The remark in the text mainly singles out the way animals differ from plants. Animals are also distinguished scientifically from bacteria and other unicellular life forms, and from several other groups no longer counted as plants, such as fungi, by various structural features that are not especially germane to the discussion here.

<sup>4</sup> I say “contributing to the reproduction” because in some animal species—bees, say—there are sterile members or non-reproducing members who nevertheless serve the reproductive process.

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<sup>5</sup> I believe that the “natural” sense of good does not give us reasons until we take up a certain attitude towards it, which I shall describe in this paper. Obviously, this is a controversial view of the good, along several dimensions. Many philosophers, including many of the utilitarians whom I will discuss below, think that normative or objective goodness and badness are just intrinsic properties that certain objects or states of affairs or experiences have. G. E. Moore famously argued that we must understand good and bad in that way in his *Principia Ethica* (Cambridge: Cambridge University Press, 1903). Some philosophers who disagree with Moore favor an “attributive” account of the good. They argue that “good” is a functional notion: to say that something is good is to say that it is good of its kind (for the *locus classicus* of this view see Peter Geach, “Good and Evil,” *Analysis*, Vol. 17 No. 2 (December, 1956), pp. 33-42) or that it has the properties it is rational to want in an object of its kind (see John Rawls, *A Theory of Justice* [Cambridge, MA: Harvard University Press, 1<sup>st</sup> edition 1971, 2<sup>nd</sup> edition 1999], Chapter 7). But something can be good or bad of its kind without being objectively or normatively good. Other philosophers (myself included) claim that nothing is good unless it is good *for* someone or something, or at least that this is the central notion (see for instance, Judith Jarvis Thomson, *Goodness and Advice* [Princeton: Princeton University Press, 2001]). Aristotle combined elements from these two views: he provides for an explanation of why things can be good or bad for living organisms by giving a functional account of what a living organism is. A living organism has the function of self-maintenance and reproduction, and things are good or bad for it insofar as they enable it to stay alive and healthy and reproduce. (Aristotle, *Metaphysics*, Books 7-10; *On the*

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*Soul*, Books 2-3; and *Nicomachean Ethics*, Book 1, Section 7, all in *The Complete Works of Aristotle* (Princeton: Princeton University Press, 1984). A view along Aristotelian lines has been defended by some contemporary philosophers (e.g. Foot, Philippa, *Natural Goodness* [Oxford: Clarendon Press, 2001]; Kraut, Richard, *What is Good and Why* [Cambridge, MA: Harvard University Press, 2009]). On that view, things can be naturally good or bad for plants as well as animals. I am drawing on the Aristotelian view in the text, but I think that the sense in which things can be naturally good for animals, or at least for conscious animals who function by responding positively or negatively to their condition, is slightly different than the sense in which things can be naturally good for plants, and it is that sense that I think becomes “morally significant” when we take up the attitude I am going to describe.

<sup>6</sup> Of course, the lack of a complex syntax could result in or be attached to other psychological or intellectual differences that would matter in the ways I am about to describe. The point is just that that difference by itself has no clear moral relevance.

<sup>7</sup> See Peter Singer, *Animal Liberation* (1<sup>st</sup> ed. 1975; 2<sup>nd</sup> ed. 1990; 3<sup>rd</sup> ed. New York: HarperCollins, 2002).

<sup>8</sup> In his commentary in J. M. Coetzee, *The Lives of Animals* (Princeton University Press: Princeton, 1999). Singer uses the expression “more to lose” on p. 87.

<sup>9</sup> Richard Kraut also criticizes this conception of the nature of the value of pleasure in *What is Good and Why*, pp. 81-8.

<sup>10</sup> The point I am trying to make here is obscured both by an obscurity in the notions of “pleasure” and “pain” and by an ambiguity in the notion of “experience.” Some

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philosophers, the classical utilitarians among them, think that pleasure and pain are the name of certain sensations, differing significantly only in their intensity and duration. I myself think that we use the words “pleasure” and “pain” to refer to the welcomeness or unwelcomeness of experiences of quite heterogeneous kinds, including but not limited to sensations. If we use “pleasure” and “pain” that way, when we say an experience is pleasant we are *already* saying that the experience is at least *prima facie* “good-for” the subject: that is, we are already saying something relational. If you transfer that implication to the view that pleasure is a particular sensation, which is not itself relational, then it is easy to suppose that the goodness of “pleasure” is inherent in the sensation, because the “good-for” relation has now been, as it were, inserted into the sensation. But that just confuses the two notions of “pleasure.” I want to sum that up by saying: experiences are not good or bad in themselves; they are only good or bad relative to the nature of an agent. But here we run into the parallel ambiguity in the notion of “experience.” For we sometimes use the term in a way that refers to the object experienced (“the experience of personal loss”) and sometimes in a way that refers to the relation between the subject and the object experienced (“the experience of grief”). When I say, “experiences are not good or bad in themselves,” I am using the term in the way that refers to the object experienced. Again, by confusing these two notions we can transfer the essentially relational character of the second usage into the first, and make it seem as if the badness of grief is in the object experienced rather than in its relation to the subject. That’s why it sounds peculiar when I say that experiences are not in themselves good or bad. For a defense of my views about pleasure and pain see Korsgaard, *The*

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*Sources of Normativity* (Cambridge: Cambridge University Press, 1996), §§4.3.1-4.3.11, pp. 145-56 and *Self-Constitution: Agency, Identity, and Integrity* (Oxford: Oxford University Press, 2009), §6.2.5, p. 120.

<sup>11</sup> *Inquiry* 22, 1979: 145-56. See especially pp. 151-2. In this paper, Singer notices the fact that utilitarianism (or at least “total” utilitarianism) treats the subjects of experience as locations: he says, “It’s as if sentient being are the receptacles of something valuable and it does not matter if a receptacle gets broken, so long as there is another receptacle to which the contents can be transferred without getting any spilt.” (p. 149). He wants to argue that this is the right way to view non-self-conscious beings but not the right way to view self-conscious ones. But he does not seem to see that if we do not regard people as receptacles of value, there is a problem about how we can add and subtract value across their boundaries.

<sup>12</sup> The classical challenge to the possibility of aggregation is found in Taurek, John, “Should the Numbers Count?” *Philosophy and Public Affairs*, Vol. 6, No. 4 (Summer, 1977), pp. 293-316.

<sup>13</sup> There are other ways to explain these intuitions. Some of them can be explained by the idea that the right thing to do is what is dictated by principles we would have chosen under what Rawls calls “a veil of ignorance,” in which we do not know our particular fates (Rawls, *A Theory of Justice*, §24), or by the general principles of what Kant called “the Kingdom of Ends,” an idea I will discuss later in this paper. The idea is that the intuitions in question are explained by principles to which we would all agree when we are thinking in general terms. For example, Thomas Hill, Jr. suggests that we might all

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agree to a principle that directs saving more lives rather than fewer in certain circumstances, on the grounds that such a general principle improves each person's chances of survival. See "Making Exceptions without Abandoning the Principle: or How a Kantian Might Think about Terrorism" in his *Dignity and Practical Reason in Kant's Moral Theory* (Ithaca: Cornell University Press, 1992).

<sup>14</sup> This is complicated, since the question whether you are harming someone simply by giving a resource to someone else depends on circumstances, in particular on whether those among whom you are distributing the resource have any prior claim on it or not. If I am giving a certain amount of money to charity, no one has a particular claim on me, and I do not have enough for all the worthy causes, it seems plausible to say that I am not "harming" the parties to whom I simply fail to give. If I am a parent distributing resources among my children or a government official distributing them to the citizens, that may be another matter.

<sup>15</sup> Singer uses the phrase "more valuable" in *Animal Liberation*, p. 20. Obviously, the idea of an untethered "valuable" has the same problems as an untethered "good." For whom are our lives more valuable? Perhaps responding to this worry, in *The Lives of Animals*, Coetzee imagines a professional philosopher who says: "It is licit to kill animals because their lives are not as important to them as ours are to us." (p. 64). But if "importance" is also tethered, it would not follow that our lives are more important than theirs.

<sup>16</sup> For citations and an account of Kant's arguments for these conclusions, see my "Kant's Formula of Humanity" and "The Right to Lie: Kant on Dealing with Evil," both in

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Korsgaard, *Creating the Kingdom of Ends* (New York: Cambridge University Press, 1996), pp.106-32 and 133-58.

<sup>17</sup> Another, perhaps more controversial way to describe the difference concerns the source of normativity. On a consequentialist view, what is normative for us—what makes a claim on us—is the goodness of the good, which calls out to us to promote it. On a Kantian account, what is normative for us is people, and, if I am right, the other animals. See my *Sources of Normativity*, §4.5.5, p. 166.

<sup>18</sup> The idea is not that our *purpose* in acting is to be well-related to animals *rather* than to do them some good. Instead, the idea is that what makes it necessary to have the purpose of doing them some good is the relation in which we stand to the animals themselves, rather than a general relation in which, as agents, we stand to the good. See note 17 above.

<sup>19</sup> The passages in this section are drawn from my “Fellow Creatures: Kantian Ethics and Our Duties to Animals” in *The Tanner Lectures on Human Values*, ed. Grethe B. Peterson. Volume 25/26 (2005). Salt Lake City: University of Utah Press; and on the Tanner Lecture website at:

[http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard\\_2005.pdf](http://www.tannerlectures.utah.edu/lectures/documents/volume25/korsgaard_2005.pdf)

<sup>20</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals* (translated and edited by Mary Gregor. Cambridge: Cambridge University Press, 1998), 4:428, p. 36. Page references to Kant’s works are given in the standard way by using the page numbers of the relevant volume of *Kants gesammelte Schriften* which appear in the margins of most translations, followed by the page number of the translation used.

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<sup>21</sup> *Groundwork* 4:428, p. 36.

<sup>22</sup> Kant, “Conjectures on the Beginnings of Human History” (in *Kant’s Political Writings*, 2<sup>nd</sup> edition translated by H. B. Nisbet and edited by Hans Reiss. Cambridge: Cambridge University Press, 1991.), 8:114, p. 225. I have changed Nisbet’s rendering of the German *Pelz* from “fleece” to “pelt” although the German can go either way, because I think that the rendering “fleece” softens Kant’s harsh point.

<sup>23</sup> Kant, *The Metaphysics of Morals* (translated and edited by Mary Gregor. Cambridge: Cambridge University Press, 1996), 6:443, p. 193.

<sup>24</sup> *The Metaphysics of Morals*, 6:443, p. 193.

<sup>25</sup> *Lectures on Ethics*, (translated by Peter Heath and edited by Peter Heath and J. B. Schneewind. New York: Cambridge University Press, 1997), 27:459, pp. 212-13.

<sup>26</sup> *Metaphysics of Morals*, 6:433, p. 192; *Lectures on Ethics* 27:459, p. 212.

<sup>27</sup> *Metaphysics of Morals*, 6:443, p. 193

<sup>28</sup> *Lectures on Ethics*, 27:710, p. 435.

<sup>29</sup> *Lectures on Ethics*, 27:710, p. 434.

<sup>30</sup> *Metaphysics of Morals*, 6:443, p. 192-3.

<sup>31</sup> *Lectures on Ethics*, 27:459, p. 212.

<sup>32</sup> It’s easier to understand what I mean here when you are thinking about practical, evaluative attitudes. It sounds odd to think of beliefs as a lens through which we see the world. But they are, in the sense that an animal could be moved by one belief to take up another without having any awareness of making an inference. Unlike a person, a non-



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human animal can think “X” without commitment to “I believe X” or “X is true,” because he (probably) has no commitments of that sort.

<sup>33</sup> “Instinctive” is sometimes used in contrast to “learned”; I am not using it that way here. As will become clearer in the discussion that follows, I am using it in contrast to “rational.” As I am using the term, an animal can learn new responses that still count as “instinctive” rather than rational because the animal does not reflect on the grounds of the response. See my *Self-Constitution*, §6.1, p. 109-16.

<sup>34</sup> Of course it is also possible that they have just learned that such utterances will produce the desired effect, by a sort of conditioning. For a defense of the claim that Alex the Parrot understood “wants,” see Irene Pepperberg’s account of teaching Alex to use “wants” and her own conclusions about what exactly he learned when he learned it (*The Alex Studies*, pp. 197-208). Koko has a sign for “wants.”

<sup>35</sup> Korsgaard, *The Sources of Normativity*, §§3.2.1-3.2.3, pp. 92-8.

<sup>36</sup> Kant believed that the principles, “Act only on a maxim you can will to be a universal law” and “Always treat humanity, whether in your own person or in the person of any other, not merely as a means but as an end in itself” are equivalent. Speaking very roughly, the reason is that the former principle enjoins us to act in ways that are acceptable to all others, and therefore respects their choices. But it is a matter of debate among Kant scholars whether the two formulas actually come to the same thing.

<sup>37</sup> Interestingly, Charles Darwin agreed with Kant about this. In *The Descent of Man* (Princeton: Princeton University Press, 1981) he wrote:

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“I fully subscribe to the judgment of those writers who maintain that of all the differences between man and the lower animals, the moral sense or conscience is by far the most important. This sense, as Macintosh remarks, “has a rightful supremacy over every other principle of human action;” it is summed up in that short but imperious word *ought*, so full of high significance” (p. 70). A moral being, Darwin remarks later, is one who is capable of approving or disapproving his own past and future actions, and, he adds “we have no reason to suppose that any of the lower animals has this capacity” (p. 88).

<sup>38</sup> It’s perhaps worth saying that I am not arguing that human beings are “superior” to the other animals (whatever that means). Rather, I am arguing that we are subject to normative standards, to the standards of normative self-government, and the other animals are not. Whether we are good or bad of our own kind depends on whether we meet those standards. But even if we do, that does not provide a dimension along which we are superior to the other animals, since they are not subject to those standards.

<sup>39</sup> Kant is not the only philosopher to advance this sort of argument. It is a commonplace to suppose that only beings with duties have rights, although there is disagreement about how much of the moral territory “rights” takes in. Another version of the reciprocity argument is found in David Hume, in *An Enquiry Concerning the Principles of Morals* (3<sup>rd</sup> ed. edited by L. A. Selby-Bigge and P. H. Nidditch. Oxford, Clarendon Press, 1975, pp. 190-191). Hume argues that we have no duties of justice to the other animals, because we have such absolute power over them. Since we can force them to serve us, we do not require their voluntary cooperation, and therefore we need not “cooperate” with them. Hume still considers it a virtue to be kind to them, however.

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<sup>40</sup> Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability*. Cambridge, MA: Harvard University Press, 2006. Michael Thompson, “What is it to Wrong Someone? A Puzzle about Justice,” in *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, edited by Michael Smith, Philip Pettit, R. Jay Wallace, and Samuel Scheffler (Oxford: Oxford University Press, 2004).

<sup>41</sup> The suggestion here is that the Kingdom of Ends involves a reciprocal constraint of each of us by all of us. Certainly Kant envisions the political community in that way. I should note that the argument as given in the text might seem to slur over a difficulty—it is not clear how we get from the fact that each of us wills the moral law autonomously to the fact that we will it together. This is one version of the puzzle referred to in Thompson’s “What is it to Wrong Someone: A Puzzle about Justice.” I think that the answer rests in what I call the essential “publicity” of reason, but a discussion of this difficult issue would take us too far afield here. For my views on publicity, see *The Sources of Normativity*, §§4.2.1-4.2.12, pp. 132-45; and *Self-Constitution*, Chapter 9, pp. 177-206. Interestingly, in *Religion within the Boundaries of Mere Reason* (translated and edited by George di Giovanni and Allen W. Wood. Cambridge: Cambridge University Press, 1998), Kant himself seems aware of some difficulty about this, for he suggests that until the Kingdom of Ends is institutionalized in something like a church, “as long as each prescribes the law to himself,” we are in an “ethical state of nature.” 6:95, p. 107. I ignore any complications this creates here.

<sup>42</sup> *Groundwork* 4:429, p. 37.

<sup>43</sup> *Groundwork* 4:429, p. 37.

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<sup>44</sup> I defend this interpretation of Kant's argument in "Kant's Formula of Humanity," in *Creating the Kingdom of Ends* (New York: Cambridge, 1996).

<sup>45</sup> Part of what's at issue here is the order between value and valuing: do we value things because we *recognize* value and respond to it, or do things have value because we value them? I think it is the latter. However, I think the argument of this paper still goes through on a "recognitional" view. See note 52.

<sup>46</sup> *Groundwork* 4:429, p. 37.

<sup>47</sup> *Groundwork* 4:435, p. 42.

<sup>49</sup> At this point many champions of animal rights would suggest that Kant's argument also implies that human infants, the insane, people in comas, and so on, have no rights since they are "not rational." Since we plainly don't think that, we should reject the argument. Although I am about to challenge Kant's argument myself, I don't think it has this implication. An entity, certainly a living entity, is not a mere collection of properties or capacities: it is a functional unity, and the idea of a species *is* important to the extent that it involves the idea of a certain way of functioning. An infant, or a severely insane person, is helpless or poorly functioning in part because his or her natural way of functioning, which essentially involves reason, is as yet undeveloped or defective. These are rational beings in whom reason is in undeveloped or defective condition. The sense in which such people "lack reason" is entirely different from the sense in which a non-human animal "lacks reason," for the non-human animal functions perfectly well in his own way without it. And different moral responses are suitable to these different kinds of "lack." In the case of an infant, or those only temporarily in a nonfunctional state, it is

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also pertinent to note that a right is held by a person, and a person is not a mere time-slice of a person; nor is a human infant merely a “potential” rational being in the same sense that a lump of clay is a “potential” pot. The permanently insane or otherwise severely defective may present somewhat different problems than the infant or the temporarily nonfunctional person. But the issue about them is still not the same as the issue about animals, because there is a difference, morally as well as metaphysically, between being a defective being of a certain kind and being a different kind. (See my *Self-Constitution*, §2.1.8, pp. 33-34.) The reasons why we should accord moral respect to human beings at a stage of development when rationality is not fully expressed, human beings who are temporarily non-rational, human beings who are not rational by virtue of permanent defect, and to non-human animals are, in my view, heterogeneous. So I think it is a mistake to appeal to the so-called “marginal cases” argument. My own argument involves no such appeal.

<sup>50</sup> See “Human Duties and Animal Rights” in *On the Fifth Day: Animal Rights and Human Ethics* (Washington: Acropolis Books Ltd., 1975) and “The Rights of Animals and Future Generations” in *Philosophy and Environmental Crisis*, ed. William Blackstone (Athens, Georgia: University of Georgia Press, 1974).

<sup>51</sup> This may seem as if it is just a denial of an argument I made earlier, to the effect that our obligation must be owed to the authority that stands behind the law. Kant, I think, believes that, since his most straightforward remark about why we can’t be obligated to animals is “...a human being has duties only to human beings (himself and others), since his duty to any subject is moral constraint by that subject’s will” (*Metaphysics of Morals*,

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6:442, p. 192). So although I don't think Feinberg meant it this way, I am proposing Feinberg's account as giving a slightly different *sense* of "obligated to" than we find in Kant.

<sup>52</sup> This is a summary of my argument in *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), §§3.1.1-3.4.10, pp. 90-125, and §§4.4.1-4.4.2, pp. 160-4.

<sup>53</sup> People sometimes reply to this argument that perhaps it is only the suffering of rational beings that we object to. But that reply seems unmotivated, or rather, it seems motivated only by the desire to block the conclusion that we have duties to the other animals. And it also seems disingenuous. When you object to your own pain and suffering it is not only because the pain and suffering of a rational being seems like a bad thing to you. It is because the pain and suffering of a being who can suffer seems like a bad thing to you.

<sup>54</sup> In note 45 I claimed that my argument would work just as well on the "recognitional" view that valuing is a response to value. What I had in mind is that at this point, one could substitute the thought that what we *recognize* to have value is the good of a being for whom things can be naturally good or bad. Of course, since this recognition must presumably be a matter of some sort of intuition, it is always open to the philosopher who favors that sort of view to insist that all that *his* intuition tells him is that rational beings are valuable. I hope at least to have convinced you that this is not the sort of argument Kant was making.

<sup>55</sup> See my "The Right to Lie: Kant on Dealing with Evil" in *Creating the Kingdom of Ends*.

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<sup>56</sup> Just for the record, I don't think we should try to eliminate predation from the planet.

We couldn't do it without eliminating the predators. Changing them into something so unrecognizably different from what they are would just be a way of killing them off. If as I suggest in the text we are only promoting the good when we improve someone's condition without harming someone else, then this wouldn't be a way of promoting the good.

<sup>57</sup> I claim the good is tethered, so you will ask, "better for whom?" In making the remark in the text, I am availing myself of the idea behind one of the two principles of aggregation which I suggested are compatible with the tetheredness of good: that we could make things "better" by making them good for more creatures, so long as we could do so without harming any.